



# Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Twenty-third Meeting Day

Monday Afternoon

February 24, 2003

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Elmer Lagenour, Bethel Baptist Church, Dubois, the guest of Representative Dennie Oxley II.

The Pledge of Allegiance to the Flag was led by Representative Oxley.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson ☐
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris ☐	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 165: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 25, 2003, at 10:00 a.m.

KUZMAN

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill 451 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete "medical director" and insert "**licensed physician who gives medical direction in the use of a defibrillator under IC 16-31-6.5-4**".

Page 2, line 18, after "or" insert "**a national or state approved defibrillator**".

Page 2, line 21, delete "medical director" and insert "**licensed physician**".

Page 2, line 22, delete "medical director" and insert "**licensed physician**".

Page 2, line 27, delete "medical director" and insert "**licensed physician**".

(Reference is to HB 1271 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

L. LAWSON, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1281, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 20, after "transportation" insert "**or the commissioner's designee**".

(Reference is to HB 1281 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 2.

RESKE, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1360, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "may" and insert "**shall**".

Page 1, line 10, delete "may" and insert "**shall**".

(Reference is to HB 1360 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1369, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, strike "may" and insert "**shall**".

Page 1, line 7, strike "If the commission exercises the power granted in subsection (a),".

Page 1, line 8, delete "the" and insert "The".

Page 2, between lines 7 and 8, begin a new paragraph and insert: "SECTION 2. IC 7.1-3-9-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 12. (a) This section applies to:**

**(1) the holder of a three-way permit that is issued to a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a premises that is described in IC 7.1-3-1-14(e)(2), or a convention center; or**

**(2) the holder of a catering permit while catering alcoholic beverages at a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a premises that is described in IC 7.1-3-1-14(e)(2), or a convention center.**

**(b) As used in this section, "suite" means an area in a building or facility referred to in subsection (a) that:**

**(1) is not accessible to the general public;**

**(2) has accommodations for not more than seventy-five (75) persons; and**

**(3) is accessible only to persons who possess a ticket:**

**(A) to an event in a building or facility referred to in subsection (a); and**

**(B) that entitles the person to occupy the area while viewing the event described in clause (A).**

**The term does not include a restaurant, lounge, or concession area, even if access to the restaurant, lounge, or concession area is limited to certain ticket holders.**

**(c) A permittee may allow the self-service of individual servings of alcoholic beverages in a suite.**

**(d) A person who:**

**(1) possesses a ticket described in subsection (b)(3); and**

**(2) is at least twenty-one (21) years of age;**

**may obtain an alcoholic beverage in a suite by self-service.**

**(e) A permittee may do any of the following:**

**(1) Demand that a person occupying a suite provide:**

**(A) a written statement under IC 7.1-5-7-4; and**

**(B) identification indicating that the person is at least twenty-one (21) years of age.**

**(2) Supervise the self-service of alcoholic beverages.**

**(3) Have an employee in the suite who holds an employee permit under IC 7.1-3-18-9 to serve some or all of the alcoholic beverages.**

SECTION 3. IC 7.1-3-20-16, AS AMENDED BY P.L.170-2002, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.**

**(b) The commission may issue a three-way permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport which is served by a scheduled commercial passenger airline certified to enplane and deplane passengers on a scheduled basis by a federal aviation agency. A permit issued under this subsection shall not be transferred to a location off the airport premises.**

**(c) The commission may issue a three-way, two-way, or one-way**

**permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:**

**(1) was formerly used as part of a union railway station;**

**(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and**

**(3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.**

**A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.**

**(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:**

**(1) on land; or**

**(2) in a historic river vessel;**

**within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred. If an applicant already holds a retailer's permit for the premises, the applicant is not eligible for a permit under this section.**

**(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:**

**(1) was formerly used as part of a passenger and freight railway station; and**

**(2) was built before 1900.**

**The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.**

**(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on premises consumption at a cultural center for the visual and performing arts to a town that:**

**(1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and**

**(2) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000)."**

**Renumber all SECTIONS consecutively.**

**(Reference is to HB 1369 as introduced.)**

**and when so amended that said bill do pass.**

Committee Vote: yeas 11, nays 0.

LYTLE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1430, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 1-1-3.5-3, AS AMENDED BY P.L.170-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3. (a) For purposes of the statutes described in section 5(c) of this chapter, a reference to population is a reference to population as determined by the most recent of the following:**

**(1) Federal decennial census.**

**(2) Federal special census.**

**(3) Special tabulation.**

**(4) Corrected population count.**

**(b) For purposes of statutes relating to drawing boundaries of county executive districts, county fiscal body districts, municipal legislative body districts, or the districts of any other political subdivision, a reference to population is a reference to population as determined by the most recent of the following:**

- (1) Federal decennial census.
- (2) Federal special census.
- (3) Special tabulation.
- (4) Corrected population count.

(c) For purposes of a noncode statute, a reference to population is the population determined by the most recent federal decennial census in effect before the passage of the statute, unless the population description in the statute is changed by subsequent legislation.

~~(c)~~ (d) For purposes of statutes not described in subsection (a), ~~or~~ (b), ~~or~~ (c), a reference to population is the population determined by the most recent federal decennial census in effect, unless the statute specifically provides otherwise.

~~(d)~~ (e) This subsection applies to a political subdivision located in more than one (1) county. If a political subdivision is described in a statute by reference to the county in which the political subdivision is located, the reference is to the county that contains a majority of the population of the political subdivision.

~~(e)~~ (f) The effective date of each:

- (1) federal decennial census;
- (2) federal special census;
- (3) special tabulation; or
- (4) corrected population count;

is April 1 of the calendar year following the year in which the tabulation of population or corrected population count is delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor.

~~(f)~~ (g) Promptly upon receiving the tabulation of population or corrected population count, the governor shall issue an executive order:

- (1) evidencing the date of receipt; and
- (2) noting that the effective date of the tabulation of population or corrected population count for purposes of any statute described in this section is April 1 of the following year."

Page 1, line 17, after "(a)" insert **"This section applies after December 31, 2003.**

**(b)".**

Page 2, line 4, delete "(b)" and insert "(c)".

Page 2, delete lines 7 through 19.

Page 5, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 11. IC 3-8-1-2, AS AMENDED BY P.L.176-1999, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The commission, a county election board, or a town election board shall act if a candidate (or a person acting on behalf of a candidate in accordance with state law) has filed any of the following:

- (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
- (2) A request for ballot placement in a presidential primary under IC 3-8-3.
- (3) A petition of nomination or candidate's consent to nomination under IC 3-8-6.
- (4) A certificate of nomination under IC 3-8-5, IC 3-8-7, IC 3-10-2-15, or IC 3-10-6-12.
- (5) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.
- (6) A declaration of intent to be a write-in candidate under IC 3-8-2-2.5.
- (7) **A contest to the denial of certification under IC 3-8-6-12.**

(b) The commission has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the election division. Except for a filing under the jurisdiction of a town election board, a county election board has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the county election board, county voter registration office, or the circuit court clerk. A town election board has jurisdiction to act under this section with regard to any filing that was made with the county election board, the county voter registration office, or the circuit court clerk for nomination or election to a town office.

(c) **Except as provided in subsection (e),** before the commission

or election board acts under this section, a registered voter of the election district that a candidate seeks to represent must file a sworn statement with the election division or election board:

- (1) questioning the eligibility of a candidate to seek the office; and
- (2) setting forth the facts known to the voter concerning this question.

(d) The eligibility of a write-in candidate or a candidate nominated by a convention, petition, or primary may not be challenged under this section if the commission or board determines that all of the following occurred:

- (1) The eligibility of the candidate was challenged under this section before the candidate was nominated.
- (2) The commission or board conducted a hearing on the affidavit before the nomination.
- (3) This challenge would be based on substantially the same grounds as the previous challenge to the candidate.

**(e) Before the commission or election board can consider a contest to the denial of a certification under IC 3-8-6-12, a candidate (or a person acting on behalf of a candidate in accordance with state law) must file a sworn statement with the election division or election board:**

- (1) stating specifically the basis for the contest; and**
- (2) setting forth the facts known to the candidate supporting the basis for the contest.**

~~(f)~~ Upon the filing of a sworn statement under subsection (c) ~~or~~ (e), the commission or election board shall determine the validity of the questioned:

- (1) declaration of candidacy;
- (2) declaration of intent to be a write-in candidate;
- (3) request for ballot placement under IC 3-8-3;
- (4) petition of nomination;
- (5) certificate of nomination; ~~or~~
- (6) certificate of candidate selection issued under IC 3-13-1-15 or IC 3-13-2-8; **or**
- (7) denial of a certification under IC 36-8-6-12.**

~~(f)~~ (g) The commission or election board shall deny a filing if the commission or election board determines that the candidate has not complied with the applicable requirements for the candidate set forth in the Constitution of the United States, the Constitution of the State of Indiana, or this title."

Page 6, line 6, delete "be affiliated with" and insert **"comply with any candidate requirement set by state party rules."**

Page 6, delete lines 7 through 9.

Page 8, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 14. IC 3-8-6-12, AS AMENDED BY P.L.26-2000, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, **except as provided in subsection (d),** certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

- (1) The candidate's written consent to become a candidate.
- (2) A statement that the candidate:
  - (A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
  - (B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after

the first of either of the following occurs:

- (A) The candidate receives more than five hundred dollars (\$500) in contributions.
  - (B) The candidate makes more than five hundred dollars (\$500) in expenditures.
  - (5) A statement indicating whether or not each candidate:
    - (A) has been a candidate for state or local office in a previous primary or general election; and
    - (B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.
  - (6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.
  - (7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.
  - (8) Any statement of economic interests required under IC 3-8-1-33.
  - (c) The statement required under subsection (b)(7) must:
    - (1) be certified by each circuit court clerk; and
    - (2) indicate the number of votes cast for secretary of state:
      - (A) at the last election for secretary of state; and
      - (B) in the part of the county included in the election district of the office sought by the individual filing the petition.
  - (d) **The person with whom the petition of nomination must be filed under subsection (a) shall:**
    - (1) **determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and**
    - (2) **do one (1) of the following:**
      - (A) **If the petition includes a sufficient number of signatures, certify the petition.**
      - (B) **If the petition has an insufficient number of signatures, deny the certification.**
  - (e) The secretary of state shall, by noon August 20:
    - (1) certify; or
    - (2) **deny certification under subsection (d) to;**
- each petition of nomination filed in the secretary of state's office to the appropriate county.
- (f) The commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):
- (1) The dates for filing campaign finance reports under IC 3-9.
  - (2) The penalties for late filing of campaign finance reports under IC 3-9.
- (g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.
- (h) **If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.**
- (i) **A candidate may contest the denial of certification under subsection (d) based on:**
- (1) **the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or**
  - (2) **the determination described in subsection (d)(1);**
- using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination."**
- Page 8, line 36, after "state" insert "**or contesting the denial of**

**certification under section 12(d) of this chapter"**.

Page 8, line 38, after "nomination" insert "**or contesting the denial of certification under section 12(d) of this chapter"**.

Page 8, line 38, after "IC 3-8-1-2(c)" insert "**or IC 3-8-1-2(e)"**.

Page 8, line 42, after "clerk" insert "**or contesting the denial of certification under section 12(d) of this chapter"**.

Page 9, line 2, after "nomination" insert "**or contesting the denial of certification under section 12(d) of this chapter"**.

Page 9, line 3, after "IC 3-8-1-2(c)" insert "**or IC 3-8-1-2(e)"**.

Page 9, line 9, after "nomination" insert "**or the denial of certification under section 12(d) of this chapter"**.

Page 9, line 34, strike "(a)".

Page 9, line 39, strike "(b) The election division shall, not later than noon".

Page 9, delete line 40.

Page 9, strike lines 41 through 42.

Page 9, after line 42, begin a new paragraph and insert:

"SECTION 18. IC 3-8-7-14, AS AMENDED BY P.L.260-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) **This section does not apply to the certification of nominees under IC 3-10-4-5.**

(b) A certificate of nomination required to be filed with the election division or circuit court clerk shall be filed not later than noon July 15 before the date fixed for the election of the person nominated."

Page 10, line 2, after "(a)" insert "**This section does not apply to the certification of nominees under IC 3-10-4-5.**

(b)".

Page 10, line 4, reset in roman "August 20".

Page 10, line 4, delete "seventy-four (74) days before the date of".

Page 10, line 5, delete "the general election".

Page 10, line 5, strike "(or noon sixty (60) days before the general".

Page 10, strike line 6.

Page 10, reset in roman line 7.

Page 10, line 24, strike "(b)" and insert "(c)".

Page 17, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 27. IC 3-10-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. The primary election paper ballots and ballot cards of each political party must be of uniform size and of the same quality paper as the paper ballots and ballot cards used at the general election. The paper ballots and ballot cards must be **distinctively marked or be of a different color for so that the ballots of each party holding a primary election are easily distinguishable**. All the candidates representing one (1) party shall be placed on one (1) ticket with the name of the party placed at the top in the form prescribed by section 19 of this chapter."

Page 19, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 31. IC 3-10-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) This subsection applies to a major political party and to a political party subject to IC 3-8-4-10. The state chairman of each political party shall certify to the election division the names of the nominees of the party for President and Vice President of the United States and the state of which each nominee is a resident.

(b) If candidates for presidential electors are nominated by petitioners instead of by a convention of a major political party or a party subject to IC 3-8-4-10, the petitioners shall certify with the list of names of electors:

- (1) the names of their nominees for President and Vice President of the United States;
- (2) the state of which each nominee is a resident; and
- (3) the name of the political party of the nominees, or that the nominees are an independent ticket.

(c) This subsection applies to a political party described in subsection (a) and to candidates nominated by petitioners under subsection (b). The names of:

- (1) all candidates for presidential electors; and
- (2) all nominees for President and Vice President of the United States;

shall be certified **by to the election division not later than noon on**

**the second Tuesday in September**† before the general election. **The election division shall certify to each county election board not later than noon on the second Thursday in September before the general election the names of the nominees for President and Vice President of the United States certified to the election division under this subsection.**

(d) The names of all candidates for presidential electors for a write-in candidate shall be included on the declaration for candidacy filed by a write-in candidate for the office of President or Vice President of the United States filed under IC 3-8-2."

Page 19, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 33. IC 3-11-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. Each county election board shall have the:

- (1) names of all candidates for United States Representative, legislative offices, and local offices; and
- (2) local public questions;

in election districts within the county printed on ballots a ballot as provided in this chapter. **The county may print all offices on a single ballot under this section.**

SECTION 34. IC 3-11-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Except as provided in subsection (c), the election division and county election boards shall use the following colors for paper ballots:

- (1) For President and Vice President of the United States; cherry red paper;
- (2) For United States Senator; state offices; and public questions; if the public question:
  - (A) is voted on by the entire electorate of Indiana; or
  - (B) concerns the retention of a justice of the Indiana supreme court or a judge of the Indiana court of appeals; pink paper;
- (3) For municipal offices; blue paper;
- (4) For township offices; yellow paper;
- (5) For United States Representative; county offices; school board offices; and all other offices; white paper;
- (6) For local public questions; green paper;

(b) The chairman or committee responsible for supplying pasters under IC 3-11-3-29 shall supply pasters of the same color as the ballot on which the paster will be placed.

(c) A county election board, by unanimous vote of its entire membership, may print ballots for township offices in any color if the ballot for township offices in each township within the county is not the same color as any:

- (1) other township ballot within the county; or
- (2) ballot for other offices or public questions listed in subsection (a)";

Page 19, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 36. IC 3-11-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as provided in subsections (b) and (c), the absentee ballots that are prepared and printed under the direction of the election division shall be delivered to the circuit court clerk or the clerk's authorized deputy not less than forty-five (45) days before a general election or twenty-nine (29) days before a special election. The absentee ballots shall be delivered in the same manner that other official ballots are delivered.

**(b) This subsection applies to the printing of absentee ballots for a general election in which the names of nominees for President and Vice President of the United States are to be printed on the ballot. The absentee ballots that are prepared and printed under the direction of the election division shall be delivered to the circuit court clerk not later than thirty-eight (38) days before the general election.**

(c) An absentee ballot described by section 12(d) of this chapter shall be delivered by the election division to the circuit court clerk or the clerk's authorized deputy not later than the first Monday in June before a general election.

SECTION 37. IC 3-11-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. All absentee

ballots other than those specified in section 12 of this chapter shall be prepared and printed under the direction of each county election board. After completing the estimate required by section 10 of this chapter and receiving all certifications from the election division required under IC 3-8 or IC 3-10, the county election board shall immediately proceed to prepare and have printed the ballots. Ballots prepared by the county election board under this section must provide space for the voter to cast a write-in ballot.

SECTION 38. IC 3-11-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) Except as provided in subsection (b), the absentee ballots that are prepared and printed under the direction of a county election board shall be delivered to the circuit court clerk **(or the board acting under IC 3-6-5.2)** at least:

- (1) forty-five (45) days before a general, primary, or municipal election;
- (2) thirty-two (32) days before a special election.

**(b) This subsection applies to the printing of absentee ballots for a general election in which the names of nominees for President and Vice President of the United States are to be printed on the ballot. The absentee ballots that are prepared and printed under the direction of a county election board shall be delivered to the circuit court clerk (or the board acting under IC 3-6-5.2) not later than thirty-eight (38) days before the general election."**

Page 20, delete lines 17 through 23.

Page 22, line 21, delete "recount" and insert "contest".

Page 23, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 48. IC 3-13-1-20, AS AMENDED BY P.L.260-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. (a) This section applies to a political party subject to IC 3-8-4-10.

(b) A candidate vacancy that exists following the convention of the party shall be filled by the state committee of the political party not later than noon June 30 before election day. **The chairman of the state committee shall file a notice of intent to fill the candidate vacancy with the official who is required to receive a certificate of candidate selection under section 15 of this chapter. The notice must be filed not later than ten (10) days before the chairman fills the candidate vacancy.** The chairman of the state committee shall act in accordance with section 15 of this chapter to certify the candidate selected to fill the vacancy.

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the general election ballot resulting from the failure of the convention to nominate a candidate for an office. The certificate required by subsection (b) shall be filed not later than noon July 3 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (b) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates."

Page 24, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 51. IC 3-14-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual.

(b) A person who knowingly does any electioneering:

- (1) on election day within:
  - (A) the polls; or
  - (B) fifty (50) feet of the entrance to the polls; or
- (2) within an area in the office of the circuit court clerk used by an absentee voter board to permit an individual to cast an absentee ballot;

commits a ~~Class D felony~~. **Class A misdemeanor.**

SECTION 52. IC 3-14-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. An election officer who knowingly:

(1) discloses to a person the name of a candidate for whom a voter has voted or how a voter voted on a public question; or  
 (2) does any electioneering on election day;  
 commits a ~~Class B felony~~. **Class A misdemeanor.**"

Page 28, delete lines 31 through 32, begin a new paragraph and insert:

"SECTION 54. IC 3-11-13-4 IS REPEALED [EFFECTIVE JULY 1, 2003].

SECTION 55. [EFFECTIVE JULY 1, 2003] **IC 3-8-1-2, IC 3-8-6-12, and IC 3-8-6-14, all as amended by this act, apply to all elections held after December 31, 2003.**"

Renumber all SECTIONS consecutively.  
 (Reference is to HB 1430 as introduced.)  
 and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

MAHERN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1431, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "IC 12-18-8-2." and insert "**IC 34-6-2-34.5.**".  
 Page 1, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 4. IC 12-7-2-85.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 85.2. "Final judgment", for purposes of IC 12-18-8, has the meaning set forth in IC 12-18-8-4.**"

Page 2, line 7, delete "(a)".  
 Page 2, line 7, delete "means" and insert "**has the meaning set forth in IC 34-6-2-34.5.**".

Page 2, delete lines 8 through 27, begin a new paragraph and insert:

"**Sec. 3. (a) As used in this chapter, an individual is a "family or household member" of another person if the individual:**

- (1) is a current or former spouse of the other person;**
- (2) is dating or has dated the other person;**
- (3) is or was engaged in a sexual relationship with the other person;**
- (4) is related by blood or adoption to the other person;**
- (5) is or was related by marriage to the other person;**
- (6) cohabits or formerly cohabited with the other person;**
- or**
- (7) has or previously had an established legal relationship:**
  - (A) as a guardian of the other person;**
  - (B) as a ward of the other person;**
  - (C) as a custodian of the other person;**
  - (D) as a foster parent of the other person; or**
  - (E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D).**

**(b) As used in this chapter, an individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.**

**Sec. 4. As used in this chapter, "final judgment" means:**

- (1) an acquittal of a criminal offense; or**
- (2) a conviction for a criminal offense:**
  - (A) in which the defendant fails to file a timely:**
    - (i) notice of appeal under the Indiana rules of appellate procedure; and**
    - (ii) motion under Indiana trial rule 60(B);**
  - (B) in which transfer is denied to the Indiana supreme court; or**
  - (C) that is upheld:**
    - (i) on appeal;**
    - (ii) following a 60(B) hearing; or**
    - (iii) both."**

Page 2, line 28, delete "4." and insert "5."

Page 2, line 31, delete "5." and insert "6."

Page 2, line 33, after "violence," insert "**The team shall review only those deaths in which the person who commits the act of domestic violence resulting in death:**

**(1) is charged with a criminal offense that results in final judgment of conviction; or**

**(2) commits suicide:**

**(A) that is related in time, place, and circumstance to the death of the victim of domestic violence; and**

**(B) as determined by a coroner's certificate of death under IC 36-2-14-6 or death verdict under IC 36-2-14-10."**

Page 3, line 4, delete "6." and insert "7."

Page 3, line 11, delete "13" and insert "14".

Page 3, line 23, delete "7." and insert "8."

Page 3, line 24, after "violence," insert "**the fatality review performed by**".

Page 3, line 25, delete "shall have access to all records maintained by" and insert "**may include information from reports generated or received by:**

**(1) agencies;**

**(2) organizations; or**

**(3) individuals;**

**responsible for the investigation, prosecution, or treatment concerning**".

Page 3, line 26, delete "any public or private entity that may relate to".

Page 3, line 27, delete "team, including the" and insert "**team.**".

Page 3, delete lines 28 through 33.

Page 3, line 38, delete "8." and insert "9."

Page 3, line 41, delete "9." and insert "10."

Page 4, delete lines 12 through 13.

Page 4, line 17, delete "5" and insert "6".

Page 4, line 26, delete "5" and insert "6".

Page 4, between lines 31 and 32, begin a new paragraph and insert:

**"(d) A local domestic violence fatality review team may not have more than fifteen (15) members."**

Page 4, line 32, delete "10." and insert "11."

Page 4, line 33, delete "9" and insert "10".

Page 5, between lines 1 and 2, begin a new line block indented and insert:

**"(10) An attorney who represents victims of domestic violence.**

**(11) A provider of a batterers intervention program."**

Page 5, line 2, delete "11." and insert "12."

Page 5, line 11, delete "12. Members of a local domestic violence fatality review" and insert "**13. (a) Except as provided in subsection (b), meetings of a local domestic violence fatality review team are open to the public.**

**(b) Meetings of a local domestic violence fatality review team that involve:**

**(1) confidential records; or**

**(2) identifying information regarding a death;**

**shall be held as an executive session with the public excluded, except those persons necessary to carry out the fatality review.**

**(c) If an executive session is held under subsection (b), each individual who:**

**(1) attends a meeting of a local domestic violence fatality review team; and**

**(2) is not a member of the local domestic violence fatality review team;**

**shall sign a confidentiality agreement.**

**(d) A local domestic violence fatality review team shall keep all confidentiality statements signed under this section."**

Page 5, delete lines 12 through 26.

Page 5, line 27, delete "13." and insert "14."

Page 5, line 36, delete "14." and insert "15."

Renumber all SECTIONS consecutively.

(Reference is to HB 1431 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: yeas 11, nays 0.

SUMMERS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1471, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-20-1-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 29. (a) Each local health officer shall:**

- (1) develop or approve; and
- (2) distribute;

**an immunization poster to every physician licensed under IC 25-22.5 who administers immunizations to a child less than nineteen (19) years of age in the local health officer's area of jurisdiction.**

**(b) The poster described in subsection (a) must include the following:**

- (1) A list of immunizations required for a child under IC 20-8.1-7.
- (2) The age at which an immunization listed in subdivision (1) is required.
- (3) The availability of immunizations at local health departments.

(Reference is to HB 1471 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: yeas 11, nays 0.

SUMMERS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1587, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "records" and insert **"all records, including juvenile records,"**.

Page 1, line 7, delete "twenty-one (21)" and insert **"twenty-five (25)"**.

Page 1, line 8, delete "After" and insert **"(a) Except as provided in subsection (b), after"**.

Page 1, line 8, after "years after the" insert **"last date a"**.

Page 1, line 8, delete "was" and insert **"completes the person's sentence and any other obligations imposed on the person as a part of the sentence, the"**.

Page 1, line 9, delete "convicted of a felony, a"

Page 1, line 10, delete "from the:" and insert **"from:"**.

Page 1, line 11, after "(1)" insert **"a"**.

Page 1, delete line 12.

Page 1, line 13, delete "(3)" and insert **"(2) the"**.

Page 1, line 14, delete "(4)" and insert **"(3) the"**.

Page 1, line 16, after "criminal" insert **"or juvenile"**.

Page 1, after line 17, begin a new paragraph and insert:

**"(b) A person convicted of a sex crime under IC 35-42-4 is prohibited from petitioning a court under subsection (a)."**

Page 2, line 1, delete "the petition" and insert **"an expungement petition under this chapter"**.

Page 2, between lines 8 and 9, begin a new line double block indented and insert:

**"(D) Fulfillment of family and child support obligations.**

**(E) Completion of restitution to the victim."**

Page 2, line 9, after "grant the" insert **"expungement"**.

Page 2, line 10, delete "of any felony" and insert **"of:**

**(1) any felony, including murder; or**

**(2) a Class A misdemeanor;"**

Page 2, line 10, beginning with "that" begin a new line blocked left.

Page 2, line 10, after "committed" insert **"on or"**.

Page 2, line 11, delete "twenty (20)" and insert **"twenty-five (25)"**.

Page 2, line 12, delete "petition," and insert **"petition of a person under this chapter,"**.

Page 2, line 17, delete "send the person's records to" and insert **"prohibit the release of the person's records or information in the person's records to anyone without a court order."**

Page 2, delete line 18.

Page 2, line 19, after "(2)" insert **"Order any state, regional, or local central repository for criminal history information to send the person's records to the court.**

**(3)"**

Page 2, line 21, delete "(3) If an appeal was taken, notify" and insert **"(4) Notify"**.

Page 2, line 23, delete "allegation." and insert **"allegation, if an appeal was taken."**

Page 2, line 24, after "the" insert **"expungement"**.

Page 2, line 25, after "the" insert **"person's"**.

Page 2, line 26, delete "the following:"

Page 2, line 27, delete "(1) Any" and insert **"any"**.

Page 2, run in lines 26 through 27.

Page 2, delete lines 29 through 31.

Page 2, line 32, delete "a" and insert **"an expungement"**.

Page 2, line 32, delete "of:" and insert **"of the sentencing court, a juvenile court, a court of appeals, and the supreme court"**.

Page 2, delete lines 33 through 35.

Page 2, run in lines 32 and 36.

Page 2, line 38, after "8." insert **"(a)"**.

Page 2, line 41, after "action." begin a new paragraph and insert: **"(b)"**.

Page 2, line 41, delete "action," and insert **"action described in subsection (a),"**.

Page 3, line 1, delete "The", begin a new paragraph and insert:

**"(c) In an action described in subsection (a), the"**.

Page 3, line 2, delete "whether the plaintiff had records in the" and insert **"whether:**

**(1) the plaintiff had records in the criminal justice system; and**

**(2) those records were expunged."**

Page 3, delete line 3.

Page 3, line 4, before "If" begin a new paragraph and insert:

**"(d)"**.

Page 3, line 4, after "records," insert **"in an action described in subsection (a),"**.

(Reference is to HB 1587 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 2.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1816, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, line 11, delete "IF:" and insert **"IF THE PROTECTED PERSON IS:**

**(A) THE RESPONDENT'S CURRENT OR FORMER SPOUSE;**

**(B) A CURRENT OR FORMER PERSON WITH WHOM THE RESPONDENT RESIDED WHILE IN AN INTIMATE RELATIONSHIP; OR**

**(C) A PERSON WITH WHOM THE RESPONDENT HAS A CHILD."**

Page 9, delete lines 12 through 19.

Page 16, between lines 32 and 33, begin a new paragraph and insert:



"SECTION 20. IC 35-42-2-1.3, AS AMENDED BY P.L.47-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1.3. (a) A person who knowingly or intentionally touches a ~~person~~ **an individual** who:

- (1) is or was a spouse of the other person;
- (2) is or was living as if a spouse of the other ~~person~~; **person as provided in subsection (b);** or
- (3) has a child in common with the other person;

in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1), (2), or (3) commits domestic battery, a Class A misdemeanor. However, the offense is a Class D felony if the person has a previous, unrelated conviction under this section (or IC 35-42-2-1(a)(2)(E) before its repeal).

**(b) In considering whether a person is or was living as a spouse of another individual in subsection (a)(2), the court shall review the following:**

- (1) the duration of the relationship;**
- (2) the frequency of contact;**
- (3) the financial interdependence;**
- (4) whether the two individuals are raising children together; and**
- (5) whether the two individuals have engaged in tasks directed toward maintaining a common household."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1816 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1901, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 21, strike "machine" and insert "system".

(Reference is to HB 1901 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

MAHERN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1972, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, delete ", including" and insert "**from**".

Page 1, line 14, delete "or other lump sum payments" and insert "**lawsuits, inheritances, or pension payments of at least four hundred dollars (\$400) that are**".

Page 1, line 16, delete "two hundred forty (240)" and insert "**one hundred eighty (180)**".

Page 2, delete lines 4 through 26.

Page 3, line 9, after "4." insert "**(a)**".

Page 3, line 10, delete "determine" and insert "**:**

- (1) review and consider any report or investigative documents the trustee prepared before making the appealed decision; and**
- (2)".**

Page 3, delete line 11.

Page 3, line 12, delete "making the appealed decision."

Page 3, line 12, strike "The board of commissioners and a".

Page 3, line 13, strike "hearing office shall".

Page 3, between lines 18 and 19, begin a new paragraph and insert:

**"(b) The board of commissioners shall remand a case to a trustee for further proceedings if:**

- (1) new evidence was presented to the board of commissioners; and**

**(2) the board of commissioners determines that the new evidence presented would have made the individual eligible for assistance.**

**(c) If a case is remanded to a trustee, the trustee shall issue a new determination of eligibility not later than seventy-two (72) hours after receiving the written decision remanding the case, excluding weekends and legal holidays listed in IC 1-1-9."**

Page 3, line 24, delete "the court shall determine whether the".

Page 3, delete line 25.

Page 3, line 26, delete "appealed decision."

Page 4, line 3, delete "covering" and insert "**that after satisfaction of any applicable deductible would cover**".

Page 4, line 5, delete ", for".

Page 4, line 6, delete "not more than ninety (90) days,".

Page 4, line 13, delete "supply," and insert "**supply at a time,**".

Page 4, line 36, delete "supply," and insert "**supply at a time,**".

Page 5, line 12, delete "The office of Medicaid policy and planning shall".

Page 5, delete lines 13 through 19, begin a new paragraph and insert:

**"(f) If a township trustee provides medical assistance for medical services provided to an individual who is subsequently determined to be eligible for Medicaid:**

**(1) the township trustee shall notify the medical provider that provided the medical services of the individual's eligibility; and**

**(2) not later than thirty (30) days after the medical provider receives the notice under subdivision (1), the medical provider shall file a claim for reimbursement with the office.**

**(g) A medical provider that is reimbursed under subsection (f) shall, not later than thirty (30) days after receiving the reimbursement, pay to the township trustee the lesser of:**

**(1) the amount of medical assistance received from the trustee to an individual; or**

**(2) the amount reimbursed by Medicaid to the medical provider".**

Page 6, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 9. IC 12-20-28-3, AS AMENDED BY P.L.90-2002, SECTION 364, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The definitions in this section apply to a report that is required to be filed under this section.

(b) As used in this section, "total number of households containing poor relief recipients" means the sum to be determined by counting the total number of individuals who file an application for which relief is granted. A household may be counted only once during a calendar year regardless of the number of times assistance is provided if the same individual makes the application for assistance.

(c) As used in this section, "total number of recipients" means the number of individuals who are members of a household that receives assistance on at least one (1) occasion during the calendar year. An individual may be counted only one (1) time during a calendar year regardless of the:

(1) number of times assistance is provided; or

(2) number of households in which the individual resides during a particular year.

(d) As used in this section, "total number of requests for assistance" means the number of times an individual or a household separately requests any type of township assistance.

(e) The township trustee shall file an annual statistical report on township housing, medical care, utility, and food assistance with the state board of accounts. **The township trustee shall provide a copy of the annual statistical report to the county auditor. The county auditor shall keep the copy of the report in the county auditor's office.** Except as provided in subsection (I), the report must be made on a form provided by the state board of accounts. The report must contain the following information:

(1) The total number of requests for assistance.

(2) The total number of poor relief recipients and total number of households containing poor relief recipients.

(3) The total value of benefits provided poor relief recipients.



- (4) The total number of poor relief recipients and households receiving utility assistance.
- (5) The total value of benefits provided for the payment of utilities.
- (6) The total number of poor relief recipients and households receiving housing assistance.
- (7) The total value of benefits provided for housing assistance.
- (8) The total number of poor relief recipients and households receiving food assistance.
- (9) The total value of food assistance provided.
- (10) The total number of poor relief recipients and households provided health care.
- (11) The total value of health care provided.
- (12) The total number of burials and cremations.
- (13) The total value of burials and cremations.
- (14) The total number of nights of emergency shelter provided to the homeless.
- (15) The total number of referrals of poor relief applicants to other programs.
- (16) The total number of training programs or job placements found for poor relief recipients with the assistance of the township trustee.
- (17) The number of hours spent by poor relief recipients at workfare.
- (18) The total amount of reimbursement for assistance received from:
- (A) recipients;
  - (B) members of recipients' households; or
  - (C) recipients' estates;
- under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.
- (19) The total amount of reimbursement for assistance received from medical programs under IC 12-20-16-2(e).

If the total number or value of any item required to be reported under this subsection is zero (0), the township trustee shall include the notation "0" in the report where the total number or value is required to be reported.

(f) The state board of accounts shall forward a copy of each annual report forwarded to the board under subsection (e) to the department and the division of family and children.

(g) The division of family and children shall include in the division's periodic reports made to the United States Department of Health and Human Services concerning the Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI) programs information forwarded to the division under subsection (f) concerning the total number of poor relief recipients and the total dollar amount of benefits provided.

(h) The department may not approve the budget of a township trustee who fails to file an annual report under subsection (e) in the preceding calendar year. Before July 1 of each year, the department shall file a report with the legislative council that compiles and summarizes the information sent to the state board of accounts by township trustees under subsection (e).

(i) This section does not prevent the electronic transfer of data required to be reported under IC 12-2-1-40 (before its repeal) or this section if the following conditions are met:

- (1) The method of reporting is acceptable to both the township trustee reporting the information and the governmental entity to which the information is reported.
- (2) A written copy of information reported by electronic transfer is on file with the township trustee reporting information by electronic means.

(j) The information required to be reported by the township trustee under this section shall be maintained by the township trustee in accordance with IC 5-15-6."

Renumber all SECTIONS consecutively.  
(Reference is to HB 1972 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SUMMERS, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Joint Resolution 7, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said joint resolution do pass.

Committee Vote: yeas 10, nays 0.

PELATH, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Joint Resolution 8, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said joint resolution do pass.

Committee Vote: yeas 10, nays 0.

PELATH, Chair

Report adopted.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 22

Representatives Welch and Crooks introduced House Concurrent Resolution 22:

A CONCURRENT RESOLUTION congratulating Crane Division of the Naval Surface Warfare Center on winning the 2002 Commander in Chief's Installation Excellence Award.

*Whereas, The Crane Division of the Naval Surface Warfare Center, activated on December 1, 1941, is one of three government owned and operated ammunition production facilities;*

*Whereas, The employees of Crane take pride in their ability to provide full service acquisition support and technical oversight to a large number of ship, air, and submarine systems in the Armed Forces and to program customers;*

*Whereas, The management of Crane Division of the Naval Surface Warfare Center strives for excellence and, realizing that diversity in staffing enhances their abilities to accomplish their goals, recruits minorities and women;*

*Whereas, Training is also a large part of the successful operation of Crane Division of the Naval Surface Warfare Center where they offer their employees access to Ph.D., Masters, Bachelor, and Associate degree programs;*

*Whereas, In recognition of their outstanding service, the Crane Division of the Naval Surface Warfare Center was awarded the 2002 Commander in Chief's Installation Excellence Award;*

*Whereas, The Commander in Chief's Installation Excellence Award is given in recognition of outstanding and innovative efforts by the people who operate and maintain U.S. military installations;*

*Whereas, The recipients of this highly competitive award are selected for their exemplary support of the Department of Defense mission; and*

*Whereas, Throughout this time of upheaval in the United States and abroad, the employees of Crane Division of the Naval Surface Warfare Center have continued to provide a degree of service that significantly figures into the Armed Forces' ability to protect America and Americans at home and abroad: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to congratulate the personnel at the Crane Division of the Naval Surface Warfare Center on winning the 2002 Commander in Chief's Installation Excellence Award.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Captain

Dan Wise, commanding officer of the Crane Division of the Naval Surface Warfare Center.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Hume.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

### House Concurrent Resolution 23

Representative Alderman introduced House Concurrent Resolution 23:

A CONCURRENT RESOLUTION to honor Canterbury Middle School for winning the "We the People...Project Citizen" award.

*Whereas, The "We the People....Project Citizen" is an educational program for 5-8 grade students that helps them become aware of how to monitor and influence public policy;*

*Whereas, The program includes a class project in which students work together to identify and study a public policy and issue and develop an action plan to implement their policy;*

*Whereas, Ms. Lea Anne Bernstein's class at Canterbury Middle School won the award for their project entitled: "Terrorist in our Midst: Drunk Drivers."*

*Whereas, Their project was presented at the National Conference of State Legislators meeting held in Denver, Colorado in July 2002;*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. The House of Representatives of the Indiana General Assembly honors Ms. Lea Anne Bernstein and her class of 18 students at Canterbury Middle School for winning the "Project Citizen" competition.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Ms. Lea Anne Bernstein and the 18 students who participated in "Project Citizen."

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Wyss.

### House Concurrent Resolution 24

Representative Ruppel introduced House Concurrent Resolution 24:

A CONCURRENT RESOLUTION honoring the members of Manchester High School baseball team for winning the 2002 Class 2A Baseball Tournament.

*Whereas, With dedication, talent, and hard work the Manchester Squires captured the high school's first Indiana baseball title;*

*Whereas, The team entered the tournament at 7-16, won seven straight games to finish the year at 14-16 and become just the second team in Indiana history to win a state title with a sub-.500 record;*

*Whereas, Members of the team, Brent Westendorf, Joel Garber, Todd Dale, Tyler Kelsey, Anthony Sorg, Drew Walters, Bob Kamp, Kyle Powers, Nathan Bucher, Dustin Simcoe, Zach Kein, Adam Young, Josh Staton, Ryan Roth, Jediah Carandante, Keaton Patrick, Brad Sroufe, along with Head Coach Jack Rupley and Assistant Coaches, Troy Leach and Sam Rohr captured a remarkable playoff;*

*Whereas, Manchester's journey through the state baseball playoffs ended in a fairytale fashion as the Squires edged Batesville 9-8 to capture the 2002 Indiana High School Athletic Association Class 2A state title: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly honors the Manchester High School baseball team on winning the school's first Class 2A state title in 2002;

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Mr. Steve Shumaker, Athletic Director of Manchester High School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Dillon.

### House Concurrent Resolution 25

Representative Foley introduced House Concurrent Resolution 25:

A CONCURRENT RESOLUTION honoring the Martinsville High School Spell Bowl Team.

*Whereas, The Martinsville High School Spell Bowl Team is the 2002 Class One Hoosier Spell Bowl State Co-Champion;*

*Whereas, The Martinsville High School Spell Bowl Team became the 2002 state co-champion with a perfect score of 90 points;*

*Whereas, The 2002 victory was the fourth Hoosier Spell Bowl State Championship title for the Martinsville team and brings the total of state championships for all academic areas to 12;*

*Whereas, The Indiana Academic Competitions for Excellence (IACE) sponsors three annual competitions for Indiana high schools - Hoosier Spell Bowl, Academic Decathlon, and Academic Super Bowl;*

*Whereas, Martinsville High School is the only school to have won at least three state championships in each of these events;*

*Whereas, With its 2002 victory in the Hoosier Spell Bowl, Martinsville High School became the only high school in the 18 year history of IACE competitions to win a state championship in each event in one calendar year; and*

*Whereas, Excellence in academics deserves special recognition: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana House of Representatives wishes to congratulate the Martinsville High School Spell Bowl Team on its recent victory and to wish the team continued success in future competitions.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Amy Beth Costin, Michael Land, Jennifer Durbin, Katie Babbitt, Josh Blanford, Amanda Isom, Travis Roembke, Elizabeth Brack, Sadie Davis, Zach Ramey, Katie Sipla, Kellie Packwood, and Megan Ward, Coach Wayne Babbitt, Principal Don Alkirethe, and Superintendent Ron D. Furniss.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bray.

### House Concurrent Resolution 26

Representatives Foley and Grubb introduced House Concurrent Resolution 26:

A CONCURRENT RESOLUTION recognizing the Sighting brothers.

*Whereas, The Sighting brothers describe their family, nine males and two females, as "one big, happy family";*

*Whereas, The foundation for this happy family was the loving care and good parental guidance given the children throughout their childhoods;*

*Whereas, All but one of the Sighting brothers have lived their entire lives in Morgan County, Indiana; Dale lives in nearby Johnson County;*

*Whereas, The brothers served their country honorably — six served in the Army and two in the Air Force and six served during the Korean War and two during World War II;*

*Whereas, The Sighting brothers—Harold, Dean, Dale, Paul,*

*Lloyd, Wilbur, Victor, Lester, and Francis—form "band of brothers" for American Legion Post 230 in Martinsville, Indiana;*

*Whereas, Their combined years of membership at American Legion Post 230 is 323 years;*

*Whereas, The brothers remain very close, often attending American Legion activities together; and*

*Whereas, Abraham Lincoln once said, "The strength of a nation lies in the homes of its people". With families like the Sighting's, America's future is strong: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to thank the Sighting brothers for their many contributions to their state and their community and to wish them continued happiness and success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Harold, Dean, Dale, Paul, Lloyd, Wilbur, Victor, Lester, and Francis Sighting and their families and to the Commander of American Legion Post 230.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bray.

### House Concurrent Resolution 27

Representatives Welch, Crooks, and Denbo introduced House Concurrent Resolution 27:

A CONCURRENT RESOLUTION in support of the Crane Division of the Naval Surface Warfare Center.

*Whereas, The Crane Division of the Naval Surface Warfare Center is one of three government owned and operated ammunition production facilities and was activated on December 1, 1941;*

*Whereas, Crane was activated in response to the Department of Defense's implementation of the task of providing conventional ammunition, production, storage, and services to all branches of the military;*

*Whereas, Crane accounts for about 20 percent of the Department of Defense's ordnance storage capacity;*

*Whereas, Production at the Crane Division of the Naval Surface Warfare Center has risen due to their increased involvement in supporting troops serving in Operation Enduring Freedom and the war on terrorism;*

*Whereas, Since September 11, 2001, the employees of Crane have made more than 69,713 shipments of items ranging from 500 pound laser-guided bomb kits to printed circuit cards;*

*Whereas, If the United States enters into a war with Iraq, these figures could increase; and*

*Whereas, The employees of the Crane Division of the Naval Surface Warfare Center have stepped up to meet the challenge that has been presented them: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to express its gratitude to the employees of Crane Division of the Naval Surface Warfare Center for the efforts they have put forth in helping to prepare America's troops during this time of conflict.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Captain Dan Wise, commanding officer of the Crane Division of the Naval Surface Warfare Center.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Hume.

### House Resolution 13

Representative Dickinson introduced House Resolution 13:

A HOUSE RESOLUTION honoring the Lawrence High School government class and teacher Drew Horvath on the occasion of their victory in the "We the People... the Citizen and the Constitution" 2002 competition.

*Whereas, One of the goals of the "We the People... the Citizen and the Constitution" competition is to "promote civic competence and responsibility among the nation's elementary and secondary students";*

*Whereas, Since the beginning of the We the People... program in 1987, more than 26 million students and 82,000 educators have participated, including members of Congress, businesses, professionals, and community organizations across the nation;*

*Whereas, The We the People... program is based on a classroom curriculum that complements the regular school curriculum by providing upper elementary, middle, and high school students with an innovative course of instruction on the history and principles of constitutional democracy in the United States;*

*Whereas, The We the People... program was designed to include a wide range of students with varying abilities;*

*Whereas, Mr. Drew Horvath, the government teacher at Lawrence Central High School, led his class to victory in the "We the People... the Citizen and the Constitution" competition, giving them the right to represent Indiana at the National Competition in May; and*

*Whereas, Involvement with the We the People... program allows students to develop a greater commitment to democratic principles and values and promotes political tolerance, and teachers such as Drew Horvath help to prepare the youth of the state of Indiana for a future that will encourage their understanding and participation in our democratic system of government: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates Drew Horvath and the Lawrence Central High School government class on their victory in the "We the People... the Citizen and the Constitution" competition and encourages Mr. Horvath to continue to instill in his students a commitment to democratic principles.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Drew Horvath and the members of the Lawrence Central High School team, Principal Caroline Hanna, Assistant Principal Barbara Brouwer, Assistant Principal Mary Anne Burden, Assistant Principal Shawn Wright-Browner, and Superintendent Michael Copper.

The resolution was read a first time and adopted by voice vote.

### House Resolution 14

Representative Ruppel introduced House Resolution 14:

A HOUSE RESOLUTION to honor Jack Rupley, Coach of Manchester High School Baseball Team for winning the 2002 Class 2A Baseball Tournament.

*Whereas, Recognizing the dedication, talent and hard work, that Coach Rupley's Squires who captured the high school's first Indiana baseball title;*

*Whereas, His team entered the tournament at 7-16, won seven straight games to finish the year at 14-16 and become just the second team in Indiana history to win a state title with a sub-.500 record;*

*Whereas, Coach Rupley took the Manchester Squires to the state baseball playoffs ended in a fairytale fashion as the Squires edged Batesville 9-8 to capture the 2002 Indiana High School Athletic Association Class 2A state title;*

*Whereas, Coach Jack Rupley was selected as "Class "A" Coach of the Year".*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana General Assembly honors Coach Jack Rupley on his baseball team on winning the school's first Class 2A state title in 2002.

SECTION 2. The Clerk of the House of Representatives is directed to transmit a copy of this resolution to Coach Jack Rupley, Baseball Coach Manchester High School.

The resolution was read a first time and adopted by voice vote.

### House Resolution 15

Representative Stilwell introduced House Resolution 15:

A HOUSE RESOLUTION urging the United States Postal Service to issue a postage stamp honoring coal mining and coal miners.

*Whereas, Indiana has a rich history of coal mining and coal miners;*

*Whereas, Indiana has an abundant supply of coal lying beneath its soil;*

*Whereas, Our entire nation owes coal miners a great deal more than we could ever repay;*

*Whereas, Coal miners perform a difficult and dangerous job so that we may have the fuel we need to operate our industries and businesses and heat our homes; and*

*Whereas, It is proper and fitting for the United States to recognize our coal miners, both past and present, for their contributions to this nation: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives urges the United States Postal Service to issue a postage stamp honoring coal mining and coal miners and commemorating their contributions to our nation and its citizens.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Postmaster General of the United States Postal Service, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Indiana congressional delegation.

The resolution was read a first time and adopted by voice vote.

### House Resolution 16

Representative Kuzman introduced House Resolution 16:

A HOUSE RESOLUTION recognizing and honoring Nancy Hayes for her hard work, dedication, and service to youth as a member of the medical profession.

*Whereas, A good nurse excels in giving sustenance, both physical and psychological, to patients, doctors, and fellow nurses;*

*Whereas, Nancy Hayes is such a nurse;*

*Whereas, Nancy Hayes' commitment to her patients was most recently displayed in the incredibly outstanding care she provided to Evan Kuzman, son of Robert and Cheryl Kuzman;*

*Whereas, Nancy Hayes was passionate in her caring for Evan, often working overtime to aid in his recovery;*

*Whereas, Nancy Hayes provided the much needed support to both patient and family during critical moments of Evan's stay at the hospital; and*

*Whereas, Nancy Hayes exemplifies the nursing profession and is an outstanding role model for the youthful patients she cares for: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to honor Nancy Hayes for her selfless contributions to the care and well-being of her young patients.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Nancy Hayes.

The resolution was read a first time and adopted by voice vote.

### Senate Concurrent Resolution 14

The Speaker handed down Senate Concurrent Resolution 14, sponsored by Representatives Scholer and Noe:

A CONCURRENT RESOLUTION to memorialize and honor Nancy Maloley for her many accomplishments and her dedication as a public servant.

*Whereas, Nancy Maloley, a native of Indiana, was a trailblazer, entering the rough and tumble of Washington when it was very much an uphill battle for women to aspire to senior positions;*

*Whereas, While in Washington, Nancy was named to a high-level position at the then newly created EPA and little more than 15 years later she became the first Director of Indiana's newly created Department of Environmental Management. With intelligence and conviction, she developed consensus on often divisive environmental issues;*

*Whereas, Nancy served three Presidents, a U.S. Congressman, a U.S. Senator and taught at Harvard, inspiring students with her knowledge and experience;*

*Whereas, In recognition of Nancy's dedication to public service, a new award was created in her honor, The Nancy A. Maloley Outstanding Public Servant Award;*

*Whereas, Each year an Indiana woman who has made significant contributions in appointed political or governmental positions will be named the recipient of this award at the annual Lugar Series luncheon. Nancy served as a founding honorary governor for the Lugar Series for a decade;*

*Whereas, Nancy's positive influence on others was not only political but also personal, providing young women in Indiana, as well as the nation, with a role model that many will continue to strive to emulate for generations to come; and*

*Whereas, Nancy loved life and enriched our lives beyond measure. Let us honor her by living every day fully and taking care of each other: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes and honors Nancy Maloley for her lifetime achievements and dedication to public service.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Nancy's parents, Mr. and Mrs. Alfred Maloley and sister Pam Morris.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

### RECESS

The House reconvened at 2:05 p.m. with the Speaker in the Chair.

### HOUSE BILLS ON SECOND READING

#### House Bill 1022

Representative V. Smith called down House Bill 1022 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1145

Representative Crawford called down House Bill 1145 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1166

Representative Frenz called down House Bill 1166 for second reading. The bill was read a second time by title. There being no

amendments, the bill was ordered engrossed.

#### House Bill 1171

Representative Herrell called down House Bill 1171 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1200

Representative Kromkowski called down House Bill 1200 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1201

Representative Cochran called down House Bill 1201 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1244

Representative Ayres called down House Bill 1244 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1250

Representative V. Smith called down House Bill 1250 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1286

Representative Austin called down House Bill 1286 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1327

Representative Goodin called down House Bill 1327 for second reading. The bill was reread a second time by title.

#### HOUSE MOTION (Amendment 1327-2)

Mr. Speaker: I move that House Bill 1327 be amended to read as follows:

Page 2, delete lines 13 through 40.  
(Reference is to HB 1327 as reprinted January 31, 2003.)

GOODIN

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1336

Representative T. Adams called down House Bill 1336 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1379

Representative Bischoff called down House Bill 1379 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1379-3)

Mr. Speaker: I move that House Bill 1379 be amended to read as follows:

Page 1, delete lines 1 through 14, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-323.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 323.1. "School bus", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-2.5.**

SECTION 2. IC 16-41-37-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. As used in this chapter, "school bus" means a motor vehicle that is:**

- (1) designed and constructed for the accommodation of at least ten (10) passengers;
- (2) owned or operated by a public or governmental agency,

**or privately owned and operated for compensation; and**  
**(3) used for the transportation of school children to and from the following:**

**(A) School.**

**(B) School athletic games or contests.**

**(C) Other school functions."**

Page 2, delete lines 8 through 9, begin a new line block indented and insert:

**"(4) in a school bus;"**.

Page 2, line 10, reset in roman "Class B".

Page 2, line 10, delete "Class C".

Page 2, line 11, reset in roman "Class A".

Page 2, line 11, delete "Class B".

(Reference is to HB 1379 as printed February 14, 2003.)

BISCHOFF

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1415

Representative Budak called down House Bill 1415 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1476

Representative Kersey called down House Bill 1476 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1476-1)

Mr. Speaker: I move that House Bill 1476 be amended to read as follows:

Page 5, line 19, reset in roman "disciplined".

Page 5, line 19, delete "suspended".

Page 5, line 20, delete "without pay".

Page 5, line 20, delete "." and insert **"by vote of the governing body of the agency."**

(Reference is to HB 1476 as printed February 19, 2003.)

MURPHY

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1482

Representative Stevenson called down House Bill 1482 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1489

Representative Kersey called down House Bill 1489 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1518

Representative Welch called down House Bill 1518 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1536

Representative Welch called down House Bill 1536 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1552

Representative Bischoff called down House Bill 1552 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1552-1)

Mr. Speaker: I move that House Bill 1552 be amended to read as follows:

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-6-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 5.5 (a) A landowner may file an**

application with the state forester under section 11 of this chapter to have classified as native forest land or a forest plantation a parcel of land that:

- (1) consists of at least one (1) acre;
  - (2) meets the requirements of section 3 of this chapter; and
  - (3) is contiguous to a parcel of land owned by the landowner that is already classified as native forest land or a forest plantation.
- (b) A parcel of land described in subsection (a) must be:
- (1) surveyed and platted under section 9 of this chapter; and
  - (2) assessed under section 10 of this chapter."

Page 7, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 26. IC 6-1.1-6.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. (a) A landowner may file an application with the department of natural resources under section 5 of this chapter to have a parcel of land classified as a wildlife habitat if:**

- (1) the parcel consists of at least one (1) acre;
  - (2) the parcel is contiguous to a parcel of land owned by the landowner that is already classified as a wildlife habitat;
  - (3) the parcel contains a good stand of vegetation that is capable of supporting wildlife species;
  - (4) the parcel is conducive to wildlife management;
  - (5) the parcel does not contain a dwelling or other usable building;
  - (6) no part of the parcel lies within a licensed shooting preserve; and
  - (7) the landowner enters into an agreement with the department of natural resources establishing standards of wildlife management for the parcel as that concept is understood by competent wildlife biologists.
- (b) A parcel of land described in subsection (a) must be surveyed and platted under section 3 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1552 as printed February 20, 2003.)

ULMER

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1556

Representative Liggett called down House Bill 1556 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1559

Representative Dickinson called down House Bill 1559 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1577

Representative Day called down House Bill 1577 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1577-4)

Mr. Speaker: I move that House Bill 1577 be amended to read as follows:

Page 3, after line 24, begin a new paragraph and insert:

SECTION 1. IC 9-21-8-55 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec 55. (a) An individual may not operate a pickup truck on a public highway while another individual who is less than seventeen (17) years of age is in the open bed of the pickup truck.**

(b) Subsection (a) does not apply to an individual operating a pickup truck: (1) in a parade; (2) in connection with an agricultural activity; or (3) in which all persons less than seventeen (17) years of age who are in the open bed of the truck are:

- (A) in attached seats; and

(B) secured by safety belts.

(c) The operator of a truck transporting passengers in the open bed of a truck must have a tailgate on the truck, and the tailgate must be in an upright and secured position.

(d) Subsection (c) does not apply to an individual operating a truck:

- (1) in connection with an agricultural activity; or
- (2) if the operator and the passengers in the open bed of a truck are seventeen (17) years of age or older.

(e) A driver who violates this section commits a Class D infraction.

(f) An action may not be brought by or on behalf of a person who is injured while riding in the open bed of a pickup truck in violation of this chapter.

(Reference is to HB 1577 as printed February 18, 2003.)

RUPPEL

Motion failed.

HOUSE MOTION  
(Amendment 1577-2)

Mr. Speaker: I move that House Bill 1577 be amended to read as follows:

Page 3, delete lines 14 through 25.

Page 3, after line 39, begin a new paragraph and insert:

SECTION 7. IC 9-19-10-3a and IC 9-19-10-3b ARE REPEALED [EFFECTIVE JULY 1, 2003].

(Reference is to HB 1577 as introduced.)

ALDERMAN

Upon request of Representatives Alderman and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 166: yeas 57, nays 39. Motion prevailed.

Representative Day withdrew the call of House Bill 1577.

#### House Bill 1628

Representative Reske called down House Bill 1628 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1664

Representative Reske called down House Bill 1664 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1679

Representative C. Brown called down House Bill 1679 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1684

Representative Liggett called down House Bill 1684 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1690

Representative Weinzapfel called down House Bill 1690 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1728

Representative Crawford called down House Bill 1728 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1802

Representative Kuzman called down House Bill 1802 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1802-4)

Mr. Speaker: I move that House Bill 1802 be amended to read as follows:

Page 1, line 11, strike "noon," and insert "**10 a.m.,**".

Page 1, line 11, strike "12:30 a.m.," and insert "**3 a.m.,**".

Page 2, line 1, strike "the holder of the" and insert "The **holder's**"

Page 2, line 1, after "is" insert "**for**".

Page 2, line 2, strike "the holder of the" and insert "The **holder's**".

Page 2, line 2, after "permit" insert "**is for a premises that**".

Page 3, line 10, after "permit" insert "**for a premises**".

Page 3, line 10, after "that" insert "**is**".

Page 3, line 11, delete "is".

Page 3, line 12, delete "meets the requirements of 905 IAC 1-41-2(a)." and insert "**a restaurant under IC 7.1-3-20-9.**".

(Reference is to HB 1802 as printed February 20, 2003.)

KUZMAN

Motion prevailed.

#### HOUSE MOTION (Amendment 1802-1)

Mr. Speaker: I move that House Bill 1802 be amended to read as follows:

Page 2, after line 22, begin a new sub-paragraph and insert:

**"(g) Except as provided in subsection (d) and except on Fridays and Saturdays, it is lawful to allow an appropriate permittee to sell alcoholic beverages for carry-out until 1 a.m., prevailing local time, the following day. It is lawful to allow the appropriate permittee to sell alcoholic beverages for carry-out on Fridays or Saturdays until 3 a.m., prevailing local time, the following day."**

(Reference is to HB 1802 as printed February 20, 2003.)

THOMPSON

The Speaker ordered a division of the House and appointed Representatives Stilwell and Bosma to count the yeas and nays. Yeas 36, nays 50. Motion failed.

#### HOUSE MOTION (Amendment 1802-3)

Mr. Speaker: I move that House Bill 1802 be amended to read as follows:

Page 2, delete lines 39 through 40.

Page 3, line 9, delete "(a)(3)" and insert "**(a)(2)**".

(Reference is to HB 1802 as printed February 20, 2003.)

MAHERN

Motion failed. The bill was ordered engrossed.

#### House Bill 1814

Representative Crawford called down House Bill 1814 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1815

Representative Crawford called down House Bill 1815 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1822

Representative Reske called down House Bill 1822 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1896

Representative Dvorak called down House Bill 1896 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1896-1)

Mr. Speaker: I move that House Bill 1896 be amended to read as follows:

Page 1, line 10, strike "forty" and insert "fifty".

Page 1, line 11, strike "(40%)" and insert "(50%)".

(Reference is to HB 1896 as printed February 20, 2003.)

KRUSE

Motion failed. The bill was ordered engrossed.

#### House Bill 1897

Representative Dvorak called down House Bill 1897 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1980

Representative Avery called down House Bill 1980 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1139

Representative C. Brown called down House Bill 1139 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### ENGROSSED HOUSE BILLS ON THIRD READING

#### Engrossed House Bill 1078

Representative Cheney called down Engrossed House Bill 1078 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 167: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and L. Lutz.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

#### Engrossed House Bill 1140

Representative C. Brown called down Engrossed House Bill 1140 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 168: yeas 81, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller, Simpson, and Breaux.

#### Engrossed House Bill 1150

Representative Lytle called down Engrossed House Bill 1150 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 169: yeas 75, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Landske.

#### Engrossed House Bill 1243

Representative Ayres called down Engrossed House Bill 1243 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?



Roll Call 170: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman and Dembowski.

#### **Engrossed House Bill 1377**

Representative Day called down Engrossed House Bill 1377 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 171: yeas 58, nays 37. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Rogers.

#### **Engrossed House Bill 1408**

Representative Ayres called down Engrossed House Bill 1408 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 172: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman and Antich.

#### **Engrossed House Bill 1421**

Representative Chowning called down Engrossed House Bill 1421 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 173: yeas 63, nays 33. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Waterman and R. Young.

#### **Engrossed House Bill 1595**

Representative Duncan called down Engrossed House Bill 1595 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 174: yeas 93, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller and Breaux.

#### **Engrossed House Bill 1645**

Representative Hasler called down Engrossed House Bill 1645 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 175: yeas 81, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and L. Lutz.

Representative Frizzell was excused for the rest of the day.

#### **Engrossed House Bill 1653**

Representative Bardon called down Engrossed House Bill 1653 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representatives Espich, Foley, and Whetstone were excused from voting.

Roll Call 176: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

#### **Engrossed House Bill 1689**

Representative Weinzapfel called down Engrossed House Bill 1689 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 177: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator C. Lawson.

#### **Engrossed House Bill 1701**

Representative C. Brown called down Engrossed House Bill 1701 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 178: yeas 86, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, Breaux, and Miller.

#### **Engrossed House Bill 1785**

Representative Moses called down Engrossed House Bill 1785 for third reading:

A BILL FOR AN ACT concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 179: yeas 57, nays 38. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and C. Meeks.

The Speaker Pro Tempore yielded the gavel to the Speaker.

#### **Engrossed House Bill 1797**

Representative Chowning called down Engrossed House Bill 1797 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 180: yeas 79, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Jackman.

### **Engrossed House Bill 1808**

Representative Bischoff called down Engrossed House Bill 1808 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 181: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Altling, Craycraft, and L. Lutz.

### **Engrossed House Bill 1811**

Representative Crawford called down Engrossed House Bill 1811 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 182: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Borst and Simpson.

### **Engrossed House Bill 1834**

Representative Bardon called down Engrossed House Bill 1834 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 183: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

## **OTHER BUSINESS ON THE SPEAKER'S TABLE**

### **Referrals to Ways and Means**

The Speaker announced, pursuant to House Rule 127, that House Bills 1159, 1471, 1546, 1630, and 1879 had been referred to the Committee on Ways and Means.

### **Reassignments**

The Speaker announced the reassignment of House Bill 1598 from the Committee on Ways and Means to the Committee on Rules and Legislative Procedures.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representatives D. Young and Stevenson be added as coauthors of House Bill 1079.

CHENEY

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Austin be added as coauthor of House Bill 1159.

PORTER

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative LaPlante be added as coauthor of House Bill 1166.

FRENZ

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Pelath be added as coauthor of House Bill 1201.

COCHRAN

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Lytle be added as coauthor of House Bill 1231.

DUNCAN

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Stutzman be added as coauthor of House Bill 1240.

D. YOUNG

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative LaPlante be added as coauthor of House Bill 1250.

V. SMITH

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1274.

WEINZAPFEL

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative LaPlante be added as coauthor of House Bill 1482.

STEVENSON

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representatives Ulmer and Pond be added as coauthors of House Bill 1552.

BISCHOFF

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Fry be added as coauthor of House Bill 1675.

MANGUS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Neese be added as coauthor of House Bill 1895.

DVORAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1900.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1939.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Bill 1980.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Turner be added as coauthors of House Joint Resolution 2.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruse be added as coauthor of House Joint Resolution 9.

C. BROWN

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Gutwein, the House adjourned at 4:45 p.m., this twenty-fourth day of February, 2003, until Tuesday, February 25, 2003, at 10:00 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives